

## CCRB INVESTIGATIVE RECOMMENDATION

|  |   |                           |   |  |  |
|--|---|---------------------------|---|--|--|
| Investigator:<br>Isaac Forman                    | Team:<br>Squad #15  | CCRB Case #:<br>201801585 | <input checked="" type="checkbox"/> Force             | <input type="checkbox"/> Discourt.       | <input type="checkbox"/> U.S.              |
|  |   |                           | <input checked="" type="checkbox"/> Abuse             | <input checked="" type="checkbox"/> O.L. | <input checked="" type="checkbox"/> Injury |
| Incident Date(s)<br>Saturday, 02/24/2018 7:45 PM | Location of Incident:<br>110-00 Rockaway Boulevard; En Route to and at § 87(2)(b) | Precinct:<br>106          | 18 Mo. SOL<br>8/24/2019                               | EO SOL<br>8/24/2019                      |  |
| Date/Time CV Reported<br>Mon, 02/26/2018 4:03 PM | CV Reported At:<br>CCRB   | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Mon, 02/26/2018 4:03 PM |  |  |

| Complainant/Victim | Type       | Home Address |
|--------------------|------------|--------------|
| § 87(2)(b)         | § 87(2)(b) | § 87(2)(b)   |

| Witness(es) | Home Address |
|-------------|--------------|
| § 87(2)(b)  | § 87(2)(b)   |
| § 87(2)(b)  | § 87(2)(b)   |
| § 87(2)(b)  | § 87(2)(b)   |

| Subject Officer(s)      | Shield | TaxID  | Command |
|-------------------------|--------|--------|---------|
| 1. POM Anthony Catalano | 20818  | 962975 | 106 PCT |
| 2. POF Karen Johnson    | 17672  | 938725 | 106 PCT |
| 3. SGT John Corde       | 01732  | 936386 | 106 PCT |

| Witness Officer(s)    | Shield No | Tax No | Cmd Name |
|-----------------------|-----------|--------|----------|
| 1. POM Marc Waskowitz | 22130     | 962867 | 106 PCT  |
| 2. POM Carl Abenante  | 15224     | 905408 | 106 PCT  |

| Officer(s)             | Allegation   | Investigator Recommendation |
|------------------------|--|-----------------------------|
| A.SGT John Corde       | Abuse: Inside of 110-00 Rockaway Boulevard in Queens, Sergeant John Corde interfered with § 87(2)(b)'s use of a recording device.          | § 87(2)(b)                  |
| B.POF Karen Johnson    | Abuse: Inside of 110-00 Rockaway Boulevard in Queens, Police Officer Karen Johnson interfered with § 87(2)(b)'s use of a recording device. | § 87(2)(b)                  |
| C.SGT John Corde       | Force: Inside of 110-00 Rockaway Boulevard in Queens, Sergeant John Corde used physical force against § 87(2)(b).                          | § 87(2)(b)                  |
| D.POM Anthony Catalano | Abuse: En route to § 87(2)(b) Queens, Police Officer Anthony Catalano refused to provide his name and shield number to § 87(2)(b).         | § 87(2)(b)                  |
| E.POM Anthony Catalano | Off. Language: En route to § 87(2)(b) Queens, Police Officer Anthony Catalano made remarks to § 87(2)(b) based upon ethnicity.             | § 87(2)(b)                  |
| F.POM Anthony Catalano | Force: Inside of § 87(2)(b) in Queens, Police Officer Anthony Catalano used physical force against § 87(2)(b).                             | § 87(2)(b)                  |

## Case Summary

On February 26, 2018, § 87(2)(b) filed this complaint with the CCRB via the telephone intake line.

On February 24, 2018, at approximately 7:45pm, § 87(2)(b) was brought to the Resorts World Casino's security holding office in regards to him damaging slot machines. Sgt. John Corde, PO Karen Johnson, and PO Carl Abenante, of the 106<sup>th</sup> Precinct, were working a paid detail at the casino and entered the holding office. PO Johnson and Sgt. Corde allegedly told § 87(2)(b) that he could not record using his phone in the security holding office (**Allegations A and B: Abuse of Authority-§ 87(2)(g)**). Sgt. Corde allegedly pushed § 87(2)(b) causing him to hit a wall and fall to the floor (**Allegation C: Force-§ 87(2)(g)**). Sgt. Corde then allegedly placed his knee on § 87(2)(b)'s back and placed him in handcuffs (**Allegation C continued**). PO Anthony Catalano and PO Marc Waskowitz, from the 106<sup>th</sup> Precinct, responded to the casino and, upon entering the security office, § 87(2)(b) stated that he had chest pain and was having a heart attack. PO Catalano and PO Waskowitz brought § 87(2)(b) outside the casino to a waiting ambulance. While in route to the hospital, § 87(2)(b) allegedly asked PO Catalano for his name and shield number and PO Catalano covered his badge with his jacket and did not provide the information (**Allegation D: Abuse of Authority-§ 87(2)(g)**). § 87(2)(b) requested the information again from PO Catalano and PO Catalano allegedly stated, "Your people always come and create problems," (**Allegation E: Offensive Language-§ 87(2)(g)**). Once in § 87(2)(b), § 87(2)(b) attempted to get out of his bed and PO Catalano allegedly pushed him back into the bed (**Allegation F: Force-§ 87(2)(g)**).

Video footage was provided to this investigation by § 87(2)(b) as well as by Resorts World Casino (For footage provided by § 87(2)(b) see BRs 1-4. For footage provided by Resorts World Casino see BRs 5-18).

## Findings and Recommendations

**Allegation (A) Abuse of Authority: Inside of 110-00 Rockaway Boulevard in Queens, Police Officer Karen Johnson interfered with § 87(2)(b)'s use of a recording device.**

**Allegation (B) Abuse of Authority: Inside of 110-00 Rockaway Boulevard in Queens, Sergeant John Corde interfered with § 87(2)(b)'s use of a recording device.**

§ 87(2)(b) alleged that during the interaction with officers, he was instructed not to video record doing so was not permitted in the security office.

§ 87(2)(b) testified that he arrived at Resorts World Casino in Queens at approximately 6:00pm and began gambling on a slot machine. After a short while, he switched to a second machine and after playing briefly, an error code came onto the screen. § 87(2)(b) began pushing the support button on the screen with his hand and fist. While doing so, he observed a small, preexisting, crack on the screen grow. § 87(2)(b) called casino security over and was eventually escorted to the security office. Upon entering the office, § 87(2)(b) had his phone in his hand. After approximately two to three minutes in the security office, Sgt. Corde, PO Johnson, and PO Abenante entered the office. § 87(2)(b) testified that he was periodically

recording the interactions with the officers. Both casino security and PO Johnson and Sgt. Corde told him not to record because phone usage was not allowed in the security office. § 87(2)(b) testified that he continued to record periodically until his phone fell out of his hands while he was being placed in handcuffs (BR 19).



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Video footage, shot by § 87(2)(b) on his cellphone and provided to the investigation, depicts short periods of § 87(2)(b)'s interaction with the officers. Captured in the video footage, is a sign on the wall that indicates that the use of phones is prohibited inside of the office. No officer can be heard telling § 87(2)(b) to not record (BR 03).

Video footage provided to the investigation by Resorts World Casino depicts § 87(2)(b)'s interaction with the officers inside the security holding office. While there is no audio, and thus the officers' statements cannot be captured, it does depict § 87(2)(b) periodically recording the interactions on his phone. There is no indication that any address the ongoing recording with § 87(2)(b). In addition, § 87(2)(b) continues to hold his phone until the moment he is placed in handcuffs, at which time PO Abenante removes § 87(2)(b)'s phone from his hand (BR 16, 17).

§ 87(2)(g)  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Allegation (C) Force: Inside of 110-00 Rockaway Boulevard in Queens, Sergeant John Corde used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Corde used force while placing him under arrest inside of the Resort's World Casino security office.

After briefly exiting the office, Sgt. Corde reentered the office and immediately approached § 87(2)(b) who was standing near the rear of the office. Sgt. Corde pushed § 87(2)(b) causing the right side of his body to hit the rear wall of the office. There was a bench against the rear wall of the office and § 87(2)(b) also made contact with that, which caused him to fall to the ground. Once on the ground, Sgt. Corde placed his knee on § 87(2)(b)'s back. Sgt. Corde then placed § 87(2)(b) into handcuffs (BR 19).



201801585\_20180305\_1058C\_DM 2.MOV

As stated above, video footage obtained from Resorts World Casino depicts the entirety of § 87(2)(b)'s interaction with the officers. At no point during this interaction does Sgt. Corde, or any other officer, push § 87(2)(b). Nor does Sgt. Corde, or any other officer, place their knee on § 87(2)(b)'s back. At 3:03 in the video, § 87(2)(b) is placed in handcuffs while standing. At 13:57, § 87(2)(b) slides to the floor without any officer making act contact with him. At 17:11, PO Catalano and PO Waskowitz pick § 87(2)(b) up but he appears unable to stand and goes to his knees. § 87(2)(b) is then placed on the bench in the room and approximately one minute later he slides to the floor, again on his own. § 87(2)(b) is again placed on the bench but later slides to the floor again. He is then picked up and brought out of the room by PO Catalano and PO Waskowitz (BR 17).

§ 87(2)(g)

**Allegation (D) Abuse of Authority: En route to § 87(2)(b) in Queens, Police Officer Anthony Catalano refused to provide his name and shield number to § 87(2)(b)**

**Allegation (E) Offensive Language: En route to § 87(2)(b) in Queens, Police Officer Anthony Catalano made remarks to § 87(2)(b) based upon ethnicity.**

§ 87(2)(b) alleged that PO Catalano refused to provide his name and shield number to § 87(2)(b) while they were inside an ambulance in route to Jamaica Hospital. § 87(2)(b) also alleged that in response to a second request for this information, PO Catalano made a remark based on § 87(2)(b)'s ethnicity.

After being placed in handcuffs, § 87(2)(b) began complaining of chest pain and informed the officers that he had had heart surgery in the past and needed his medication to treat it. Officers then lifted § 87(2)(b) by his arms and carried him outside to a waiting ambulance. PO Catalano entered the ambulance along with an EMT. While inside, § 87(2)(b) asked PO Catalano what his name and shield number was. PO Catalano did not provide it verbally and folded his jacket over his badge so it was not visible to § 87(2)(b). § 87(2)(b) asked again for PO Catalano's name and shield number and PO Catalano replied by stating, "your people always come and create problems." § 87(2)(b) testified that he believed PO Catalano was referring to his ethnicity. § 87(2)(b) told PO Catalano that he shouldn't speak to people that way and PO Catalano did not say anything else for the remainder of the ride (BR 19).

Paramedic § 87(2)(b) testified that while travelling from Resorts World Casino to § 87(2)(b), he was seated directly next to an officer, identified by the investigation as PO Catalano. During the ride, § 87(2)(b) was cursing and stating that he was going to sue them all. Paramedic § 87(2)(b) did not hear § 87(2)(b) ask the officer for his name or shield number. Paramedic § 87(2)(b) did not observe PO Catalano cover his shield or refuse to provide his identifying information. Paramedic § 87(2)(b) also testified that he did not hear PO Catalano state, "your people always come and create problems," to § 87(2)(b). Paramedic § 87(2)(b) testified

that he is of the same ethnicity as § 87(2)(b) and thus was certain that if that comment, or any comment regarding their shared ethnicity, had been made, he would have noticed it (BR 20).

EMT § 87(2)(b) testified that he was also in the rear of the ambulance while transporting § 87(2)(b) to § 87(2)(b). While travelling to the hospital, § 87(2)(b) was cursing and yelling at the EMTs and the officer, identified by the investigation as PO Catalano. EMT § 87(2)(b) couldn't recall § 87(2)(b) asking any officer for their identifying information and didn't hear PO Catalano refuse to provide it. EMT § 87(2)(b) also did not see PO Catalano cover his badge at any point. EMT § 87(2)(b) denied hearing PO Catalano state, "your people always come and create problems," to § 87(2)(b). Like Paramedic § 87(2)(b) EMT § 87(2)(b) testified that he is of the same ethnicity as § 87(2)(b) and thus would have noticed and been offended by any such statement (BR 21).

PO Catalano testified that he accompanied § 87(2)(b) in the rear of the ambulance to § 87(2)(b). While in the ambulance § 87(2)(b) was cursing and yelling. PO Catalano couldn't tell what he was yelling as he was not making sense. PO Catalano testified that he did not hear § 87(2)(b) request his name or shield number and denied covering his badge or otherwise refusing to provide that information. PO Catalano also denied stating, "your people always come and create problems," to § 87(2)(b). He further denied making any statements to § 87(2)(b) based on his ethnicity (BR 22).

§ 87(2)(g)  
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**Allegation (F) Force: Inside of § 87(2)(b) in Queens, Police Officer Anthony Catalano used physical force against § 87(2)(b)**

Inside of § 87(2)(b), § 87(2)(b) alleged that PO Catalano used force against him.

§ 87(2)(b) testified that while in the hospital, his left hand was cuffed to his bed. § 87(2)(b) asked PO Catalano if he could use the bathroom and PO Catalano told him to wait for a nurse to come. § 87(2)(b) asked again and began to stand out of the bed. PO Catalano approached and pushed § 87(2)(b) back into the bed (BR 19).

PO Catalano testified that while in the hospital, § 87(2)(b)'s hand was cuffed to the bed. § 87(2)(b) continued to yell and curse but was not doing anything physically. He did ask to use a bathroom and PO Catalano relayed the request to the doctor treating § 87(2)(b). The doctor provided § 87(2)(b) with a bedpan. § 87(2)(b) initially protested but did eventually use the bedpan. PO Catalano denied that § 87(2)(b) attempted to get out of the

bed and denied pushing him back into the bed. PO Catalano remained at the hospital for less than an hour before returning to the 106<sup>th</sup> Precinct stationhouse to do arrest paperwork. When he left the hospital, PO Waskowitz remained with § 87(2)(b) (BR 22).

PO Waskowitz testified that while at the hospital, § 87(2)(b) was handcuffed to the bed. PO Waskowitz testified that § 87(2)(b) was cursing at the doctor while there. PO Waskowitz did not recall § 87(2)(b) asking to use the bathroom and testified that he had a bedpan. PO Waskowitz denied that § 87(2)(b) ever attempted to get out of the bed and denied observing PO Catalano push § 87(2)(b) back into the bed (BR 23).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 24).
- PO Catalano has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Johnson has been a member-of-service for 12 years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Corde has been a member-of-service for 13 years and this is the first CCRB complaint to which he has been a subject.

#### **Mediation, Civil and Criminal Histories**

- This complaint was not suitable for mediation.
- As of May 25, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 25).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)

#### **Potential Issues**

As all the allegations alleged against Sgt. Corde and PO Johnson were either unfounded or exonerated based on the video footage obtained by the investigation, neither were interviewed for this investigation.

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Squad No.:         15    

Investigator:     \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_

                                    Signature                      Print Title & Name                      Date

Squad Leader:     \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_

                                    Signature                      Print Title & Name                      Date

Reviewer:     \_\_\_\_\_     \_\_\_\_\_     \_\_\_\_\_

                                    Signature                      Print Title & Name                      Date